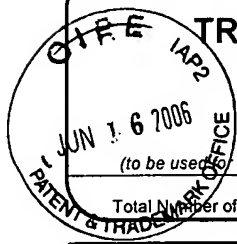


IFW 3737/15

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/016,244
Filing Date	October 30, 2001
First Named Inventor	Guillermo J. Tearney
Art Unit	3737
Examiner Name	To be assigned
Attorney Docket Number	186599/US/2 - 475387-00153
Total Number of Pages in This Submission	

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO-1449 form with references and Return Receipt Postcard
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Dorsey & Whitney, L.L.P.		
Signature			
Printed name	Gary Abelev, Esq.		
Date	June 13, 2006	Reg. No.	Reg. No. 40,479

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Gary Abelev, Esq.	Date	June 13, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Effective on 12/08/04

## FEE TRANSMITTAL SHEET

(FY 2005)

## Complete if Known

Application No.	10/016,244
Filing Date	October 30, 2001
First Inventor	Guillermo J. Tearney
Group Art Unit	3737
Examiner Name	To be assigned
Atty. Docket Number	186599/US/2 - 475387-00153

☐ Applicant claims small entity status (see 37 C.F.R. 1.27)

## METHOD OF PAYMENT (Check One)

☒ Check ☐ Credit Card ☐ Money Order☒ Deposit Account No.: 50-2054

Deposit Account Name: DORSEY &amp; WHITNEY LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17☒ Credit any overpayments☐ Other (please identify):

## Extra Claim Fees

Current Claims	Prior	Extra	Fee	Fee Paid
Total	-	=	x \$	= \$
Ind.	-	=	x \$	= \$
Multiple Dependent Claims	-	=	x \$	= \$
Subtotal (Extra Claims) \$				

## Petition Fee Under 37 CFR 1.17(f), (g), &amp; (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

☐ Petition Fee under 37 CFR 1.17(f) Fee \$400

§ 1.53(e) to accord a filing date.  
 § 1.57(a) to accord a filing date.  
 § 1.182 for decision on a question not provided for.  
 § 1.183 to suspend the rules.  
 § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.  
 § 1.174(b) to accord a filing date to an application under § 1.740 for extension of patent term.

☐ Petition Fee under 37 CFR 1.17(g) Fee \$200

§ 1.12 for access to an assignment record.  
 § 1.14 for access to an application.  
 § 1.47 for filing by other than all inventors or person not the inventor.  
 § 1.59 for expungement of information.  
 § 1.103(a) to suspend action in an application.  
 § 1.136(b) for review of a request for ext. of time when § 1.136(a) not avail.  
 § 1.295 for review of refusal to publish a statutory invention registration.  
 § 1.296 to withdraw a req. for pub. after notice of intent to publish issued.  
 § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.  
 § 1.550(c) for request for ext. of time in *ex parte* reexam. proceedings.  
 § 1.956 for request for ext. of time in *ex parte* reexam. proceedings.  
 § 5.12 for expedited handling of foreign filing license.  
 § 5.15 for changing the scope of a license.  
 § 1.5.25 for retroactive license.

☐ Petition Fee under 37 CFR 1.17(h) Fee \$130

§ 1.19(g) to request documents in a form other than provided in this part.  
 § 1.84 for accepting color drawings or photographs.  
 § 1.91 for entry of a model or exhibit.  
 § 1.102(d) to make an application special.  
 § 1.138(c) to expressly abandon an application to avoid publication.  
 § 1.313 to withdraw an application from issue.  
 § 1.314 to defer issuance of a patent.

## FEE CALCULATION (Continued)

## 3. ADDITIONAL FEES

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	
130	65	Surcharge - Late nonprovisional filing fee or oath	
180	180	Submission of IDS	180
40	40	Recording each patent assignment per property (times number of properties)	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
790	395	Submission After Final 1.129	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1,000	500	Request for oral hearing	
130	65	Terminal Disclaimer Fee	
800	400	Design Issue Fee	
790	395	Request for Continued Examination (RCE)	
130		Request for voluntary publication or republication	
500	250	Petition to Revive - unavoidable	
1,500	750	Petition to Revive - unintentional	
200		Filing for patent term adjustment	
400		Request for reinstatement of term reduced	
1,120		Extension of term of patent	

OTHER FEE (specify)

Subtotal (Additional Fees)

Total Amount of Payment: \$180

Submitted by:

CUSTOMER NUMBER  
30873

DORSEY &amp; WHITNEY LLP

250 Park Avenue  
New York, NY 10177

Name: Gary Abelev, Esq.

Phone No.: (212) 415-9371

Fax No.: 212-953-7201

Signature:

Reg. No.: Reg No. 40,479

Date: June 13, 2006



186599/US/2 - 475387-00153 PATENT

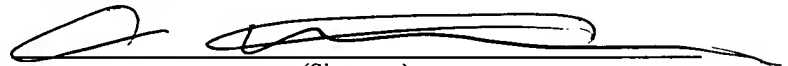
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Guillermo J. Tearney et al.  
Serial No. : 10/016,244  
Filed : October 30, 2001  
Entitled : OPTICAL METHODS AND SYSTEMS FOR TISSUE ANALYSIS  
Group Art Unit : 3737  
Examiner : Ruth S. Smith

**INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. § 1.97(i)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that this document is being sent via First Class U. S. mail addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this day of June 13, 2006.

  
(Signature)

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(i), applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449, and respectfully request that the listed documents be considered by the Examiner and made of record in the above-captioned application. Copies of the United States patent references listed on the Form PTO-1449 are not enclosed, but the PCT/foreign/non-patent references are enclosed.

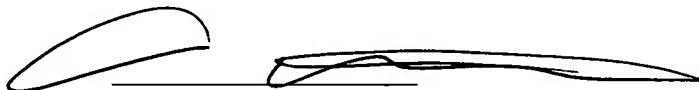
If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute “prior art” under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

The requisite fee of \$180.00 pursuant to these sections and 37 C.F.R. § 1.17(p) is enclosed herewith, since the Patent Office has issued an Office Action on the merits, but before the Final Office Action or Notice of Allowance. The Commissioner is hereby further authorized to charge any deficiencies and credit any over payments for the submission of this Information Disclosure Statement to the Dorsey & Whitney’s Deposit Account 50-2054.

Respectfully submitted,

**DORSEY & WHITNEY, LLP**



Gary Abelev  
PTO Reg. No. 40,479  
Attorneys for Applicants  
(212) 415-9371

Form PTO-1449 U.S. Department of Commerce  
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.  
186599/US/2 - 475387-  
00153

Serial No.  
10/016,244

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use several sheets if necessary)



Applicant(s)  
Guillermo J. Tearney

Filing Date  
October 30, 2001

Group  
3737

## **U.S. PATENT DOCUMENTS**

*Exam. Init.		Document No.							Date	Name	Class	Subclass	Filing Date if Appropriate
	2002	0	1	2	2	2	4	6	September 5, 2002	Tearney et al. **			
		6	6	8	7	0	1	0	February 2004	Horii et al.			
		4	5	8	5	3	4	9	April 29, 1986	Gross et al.			
		5	8	1	7	1	4	4	October 6, 1998	Gregory			
		5	8	4	3	0	0	0	December 1, 1998	Nishioka et al.			
		6	0	5	3	6	1	3	April 25, 2000	Wei et al.			
		6	0	0	4	3	1	4	December 21,	Wei et al.			
		4	2	9	5	7	3	8	October 20, 1981	Meltz et al. **			
		4	3	0	0	8	1	6	November 17,	Snitzer et al. **			
		4	7	7	0	4	9	2	September 13, 1988	Levin et al. **			

## **FOREIGN PATENT DOCUMENT**

		Document No.							Date	Country	Class	SubClass	Translator	
		0	2	3	8	0	4	0	May 16, 2002	WIPO**			Yes	No
		1	4	2	6	7	9	9	June 9, 2004	European **				
	1	9	5	4	2	9	5	5	May 22, 1997	Germany **				
	0	3	0	6	2	8	0	2	July 31, 2003	WIPO**				
		9	5	3	3	9	7	1	December 14, 1995	WIPO**				

\*\* References cited in International Search Report

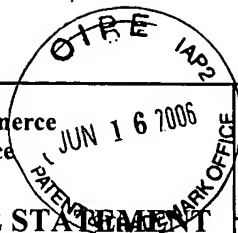
## **OTHER DOCUMENTS (including Author, Title Date, Pertinent Pages, Etc.)**

International Written Opinion for International Patent application No. PCT/US2005/043951.

Examiner

Date Considered

\* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 U.S. Department of Commerce  
(REV. 2-82) Patent and Trademark OfficeAtty. Docket No.  
186599/US/2 - 475387-  
00153Serial No.  
10/016,244**INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT**  
(Use several sheets if necessary)Applicant(s)  
Guillermo J. TearneyFiling Date  
October 30, 2001Group  
3737

		International Search Report for International Patent application No. PCT/US2005/043951.
		Erdelyi et al. "Generation of diffraction-free beams for applications in optical microlithography", J. Vac. Sci. Technol. B 15 (12), Mar/Apr 1997, Pages 287-292.
		International Search Report for International Patent application No. PCT/US2005/023664.
		International Written Opinion for International Patent application No. PCT/US2005/023664.
		Tearney et al., "Spectrally encoded miniature endoscopy" Optical Society of America; Optical Letters Vol. 27, No. 6; March 15, 2002; pages 412-414
		Yelin et al., "Double-clad Fiber for Endoscopy" Optical Society of America; Optical Letters Vol. 29, No. 20, October 16, 2005; pages 2408-2410
		International Search Report for International Patent application No. PCT/US2001/049704.
		International Search Report for International Patent application No. PCT/US2004/039454.
		International Written Opinion for International Patent application No. PCT/US2004/039454.
		PCT International Preliminary Report on Patentability for International Application No. PCT/US2004/038404 dated June 2, 2006

4819-6950-7329\1

Examiner

Date Considered

\* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.